

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

KYLE D. SMITH,

Plaintiff,

**V.**

LT. LANE, *et al.*,

## Defendants.


Civil Action No. 3:14CV613-HEH

**MEMORANDUM OPINION**  
**(Dismissing Action Without Prejudice)**

On October 10, 2014, the Court conditionally docketed Plaintiff's action. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on January 9, 2015, the Court directed Plaintiff to pay an initial partial filing fee of \$.72 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Therefore, Plaintiff is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be dismissed without prejudice.

An appropriate Order will accompany this Memorandum Opinion.

Date: Feb. 12, 2015  
Richmond, Virginia

 /s/  
Henry E. Hudson  
United States District Judge